

### REMARKS

Claims 1-3, 6-27, and 29-32 are pending in the application with claims 1, 13, 20, and 27 being the independent claims. Claims 4, 5, and 28 have been cancelled. Applicants thank the Examiner for his thorough review and for allowance of claims 13-26. Reconsideration with respect to claims 1-3, 6-27, and 29-32 is respectfully requested in view of the foregoing amendments and the following remarks. Those amendments and remarks are believed to be fully responsive to the Office Action mailed November 14, 2008 and to render the elected claims at issue patentably distinct over the cited references and in condition for allowance. The foregoing amendments are taken in the interest of expediting prosecution, and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

### DISCUSSION

#### I. Claim Rejections Under 35 U.S.C. Sec. 102(b)

In the Office Action of November 14, 2008, the Examiner rejected claims 1 and 12 under 35 U.S.C. Sec 102(b) as being anticipated by U.S. Patent No. 3,246,411 issued to A. O. Aafedt on April 19, 1966 (hereinafter "Aafedt"). For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Amended independent claim 1 of the present application is directed to an apparatus for presenting a plurality of interior design components to a user. The apparatus comprises a first plurality of first interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. The apparatus also comprises a second plurality of second interior design component samples, wherein the first interior design component samples and the second interior design component samples comprise the same interior design component samples. The apparatus also comprises a binding mechanism adapted to bind the first plurality of the first interior design component samples adjacent to the second plurality of the second interior design component samples so that at least one of each of the first plurality and the second plurality can be viewed together. The binding mechanism is configured to permit

at least one interior design component sample of each of the first and second pluralities to be moved about the binding mechanism.

Aafedt does not anticipate amended independent claim 1 because Aafedt fails to disclose all of the elements of this independent claim. In contrast to claim 1, nowhere does Aafedt disclose a first plurality of first interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. Further, nowhere does Aafedt disclose a second plurality of second interior design component samples, wherein the first interior design component samples and the second interior design component samples comprise the same interior design component samples. As stated in the present application, this configuration permits a user to mix and match various interior design component samples. For example, if the interior design component samples of the first and second pluralities comprise wall paint samples, wall paint samples from each of the first and second pluralities may be selected in accordance with a particular color theme. (See, paragraph [0018])

Aafedt merely discloses a scoreboard. Aafedt is in no way related to interior design or interior design components. As defined, "interior design" means "the design and coordination of the decorative elements of the interior of a house, apartment, office, or other structural space, including color schemes, fittings, furnishings, and sometimes architectural features." Dictionary.com Unabridged (v 1.1). Random House, Inc. [http://dictionary.reference.com/browse/interior\\_design](http://dictionary.reference.com/browse/interior_design) (accessed: February 04, 2009). Aafedt's flip cards have nothing to do with interior design and merely depict numbers used to score a game. While the numbers of the flip cards may be in a color different than the background of the flip cards so that the numbers can be seen, the flip cards are used to score a game, not as decorative elements to decorate an interior space. There is no anticipation when prior art use is different. Union Oil Co. of Calif. v. Atlantic Richfield Co., 208 F.3d 989, 54 USPQ.2d 1227 (Fed. Cir. 2000), cert. denied, 531 U.S. 1183 (2001) (composition claims that cover only standard unleaded automotive gasoline were not anticipated by aviation and racing fuels, since the prior art compositions did not include the limitation of being, or being applicable to, a standard automotive fuel). Further, there is no indication in Aafedt that more than one color of numbers and background are used so that various color samples can be viewed together. In addition,

Aafedt's scoreboard does not comprise carpet samples, wall paint samples, textile samples, or fabric samples that permit a user to mix and match the various samples. Thus, because Aafedt fails to disclose every element of independent claim 1, it cannot anticipate claim 1, or claim 12 that depends therefrom.

In the Office Action of November 14, 2008, the Examiner rejected claims 1-3, 7, 8, 10, 27, 29, and 31 under 35 U.S.C. Sec 102(e) as being anticipated by U.S. Patent No. 6,729,883 B1 issued to Molly Raiche on May 4, 2004 (hereinafter "Raiche"). For the following reasons, Applicants respectfully traverse the Examiner's rejections.

As noted above, amended independent claim 1 of the present application is directed to an apparatus for presenting a plurality of interior design components to a user. The apparatus comprises a first plurality of first interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. The apparatus also comprises a second plurality of second interior design component samples, wherein the first interior design component samples and the second interior design component samples comprise the same interior design component samples. The apparatus also comprises a binding mechanism adapted to bind the first plurality of the first interior design component samples adjacent to the second plurality of the second interior design component samples so that at least one of each of the first plurality and the second plurality can be viewed together. The binding mechanism is configured to permit at least one interior design component sample of each of the first and second pluralities to be moved about the binding mechanism.

Similarly, amended independent claim 27 is directed to an apparatus for viewing a plurality of interior design components. The apparatus comprises a first plurality of interior design component samples comprising carpet samples, color samples, textile samples, or fabric samples. At least one interior design component sample of the first plurality is adapted to be rotated about an axis. The apparatus also comprises a second plurality of interior design component samples disposed adjacent the first plurality of interior design component samples. The second plurality of interior design component samples comprises carpet samples, color samples, textile samples, or fabric samples. At least one interior design component sample of the second plurality is adapted to be rotated about the axis. A third plurality of interior design component

samples is disposed adjacent the second plurality of interior design component samples. The third plurality of interior design component samples comprises carpet samples, color samples, textile samples, pattern samples, or fabric samples. At least one interior design component sample of the third plurality is adapted to be rotated about the axis. The first plurality, the second plurality and the third plurality are configured such that the at least one interior design component sample of each of the first plurality, the second plurality and the third plurality can be viewed together. The first plurality of design component samples and the second plurality of interior design component samples comprise the same interior design component samples.

Raiche does not anticipate amended independent claims 1 and 27 because Raiche fails to disclose all of the elements of these independent claims. In contrast to claims 1 and 27, nowhere does Raiche disclose a first plurality of first interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. Further, nowhere does Raiche disclose a second plurality of second interior design component samples, wherein the first interior design component samples and the second interior design component samples comprise the same interior design component samples. As noted above, in the present application, this configuration permits a user to mix and match various interior design component samples. For example, if the interior design component samples of the first and second pluralities comprise wall paint samples, wall paint samples from each of the first and second pluralities may be selected in accordance with a particular color theme. In addition, Raiche does not disclose a third plurality of interior design component samples comprising carpet samples, wall paint samples, textile samples, pattern samples, or fabric samples.

Raiche is in no way related to interior design or interior design component samples. Raiche merely discloses a numeric teaching device with spinning wheels depicting numbers. As noted above, there is no anticipation when prior art use is different. Union Oil Co. of Calif. v. Atlantic Richfield Co., 208 F.3d 989, 54 USPQ.2d 1227 (Fed. Cir. 2000), cert. denied, 531 U.S. 1183 (2001) In addition, Raiche does not disclose carpet samples, wall paint samples, textile samples, or fabric samples that permit a user to mix and match the various samples. Thus, because Raiche fails to disclose

every element of independent claims 1 and 27, it cannot anticipate claims 1 and 27, or claims 2, 3, 7, 8, 10, 29, and 31 that depend therefrom.

II. Claim Rejections Under 35 U.S.C. Sec. 103(a)

In the Office Action of November 14, 2008, the Examiner rejected claims 2, 3, 7, 8, 10, 27, 29, and 31-32 under 35 U.S.C. Sec 103(a) as being unpatentable over Aafedt in view of U.S. Patent No. 2,065,624 issued to F. Summers on December 29, 1936 (hereinafter "Summers"). For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claims 2, 3, 7, 8, and 10 depend from amended independent claim 1 and claims 29 and 31-32 depend from amended independent claim 27. Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to independent claims 1 and 27 because every critical element appearing in the claims is not disclosed by Aafedt and Summers, either alone or in combination. As noted above, Aafedt discloses a scoreboard and has nothing to do with interior design or interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. Summers likewise discloses a scoreboard and has nothing to do with interior design component samples such as those articulated in the claims. In contrast to claims 1 and 27, nowhere does Aafedt and Summers disclose a first plurality of first interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. Further, nowhere does Aafedt and Summers disclose a second plurality of second interior design component samples, wherein the first interior design component samples and the second interior design component samples comprise the same interior design component samples. In addition, Aafedt and Summers do not disclose a third plurality of interior design component samples comprising carpet samples, wall paint samples, textile samples, pattern samples, or fabric samples. While the examiner asserts that the numbers on the scorecards are "patterns", the numbered scorecards are used for keeping score of a game and one of ordinary skill in the interior design arts would not think to modify a scoreboard to obtain an interior design apparatus having at least a first plurality and a second plurality of interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric

samples. Thus, because Aafedt and Summers fail to disclose every element of independent claims 1 and 27, they do not render claims 1 and 27, or claims 2, 3, 7, 8, 10, 29, and 31-32 that depend therefrom, obvious.

In the Office Action of November 14, 2008, the Examiner also rejected claims 6, 9, and 30 under 35 U.S.C. Sec 103(a) as being unpatentable over Raiche in view of U.S. Patent No. 4,651,992 issued to Danino et al. on March 24, 1987 (hereinafter "Danino"). For the following reasons, Applicants respectfully traverse the Examiner's rejections.

Claims 6 and 9 depend from amended independent claim 1 and claim 30 depends from amended independent claim 27. Applicant respectfully submits that a *prima facie* case of obviousness has not been made out by the Examiner with respect to independent claims 1 and 27 because every critical element appearing in the claims is not disclosed by Raiche and Danino, either alone or in combination. In contrast to claims 1 and 27, nowhere do Raiche and Danino disclose a first plurality of first interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. Further, nowhere do Raiche and Danino disclose a second plurality of second interior design component samples, wherein the first interior design component samples and the second interior design component samples comprise the same interior design component samples. In addition, Raiche and Danino do not disclose a third plurality of interior design component samples comprising carpet samples, wall paint samples, textile samples, pattern samples, or fabric samples. As noted above, Raiche discloses a numerical teaching device and has nothing to do with interior design or interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. Danino discloses a puzzle-type game and has nothing to do with interior design component samples such as those articulated in the claims. The numbered wheels of Raiche are used to create different numeric formulations. (See, Abstract) The numbered wheels of Danino are used to provide a correct solution to an arithmetical equation. (Col. 3, lines 6-10) One of ordinary skill in the interior design arts simply would not think to modify such numerical teaching tools/puzzles to obtain an interior design apparatus having at least a first plurality and a second plurality of interior design component samples comprising carpet samples, wall paint samples, textile samples, or fabric samples. Thus, because Raiche and Danino fail to disclose every element of

independent claims 1 and 27, they do not render claims 1 and 27, or claims 6, 9, and 30 that depend therefrom, obvious.

#### CONCLUSION

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,  
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